

Sample - More Difficult



Diane Sylvain

- 1950 - Father born in Arizona to Mexican parents (USC at birth)
- 1952 - Family returns to Mexico
- 1952-63 - back & forth
- 1964-68 Father attends H.S. in Tucson, AZ
- 1972 returns to Mexico, marries a Mexican woman
- 1974 – child born in Mexico
- 1976 – entire family moves to Arizona and stays

Is the child a USC at birth?

Questions & Evidence

What version of the Act Applies?

- The pre-1986 version 301(g)

What does he need to show regarding his father?

(1) USC & was USC at time R was born

- **What evidence?:** birth certificate, etc.

(2) Physical Presence in US for 10 years/5 after 14

- **What evidence?:**

- High School 4 years – other school records? (Elem/Middle School?)
- Employment records (68-72)
- Lease/Home records
- Vaccine records
- Baptism/Christening records
- Affidavits of neighbors and family

Same Scenario - Different Dates

- 1970 – Father born AZ
- 1972 – his family goes back to Mexico
- 1972-83 – back & forth between US & Mexico
- 1984-88 – father attends H.S. in US
- 1992 – married in Mexico to a Mexican woman
- 1994 – child born Mex.
- 1996 – family to US

Is child USC at birth?

Questions & Evidence

What version of the Act Applies?

- The post-1986 version of 301(g) applies

What does he need to show regarding his father?

(1) Same as first example – USC – b. cert.

(2) Physical presence in US prior to child's birth

- 5 years/2 years after 14
- **Evidence?:** Same types as under old 301(g)
- Will be easier to prove (assuming HS records), since he only needs evidence of one other year between 1970-72 or 1988-92